

# Town of Tamworth

## Planning Board

### \*\*\* PLANNING BOARD MINUTES \*\*\*

June 27, 2012

**Meeting was called to order at 7:02 pm at the Town Office**

**Members Present:** Dom Bergen Chairman, David Little, Steve Gray, Nicole Maher-Whiteside, Becca Boyden, Skip Nason, and Jim Hidden, Selectmen's Representative

**Members Absent:** none

**Alternates Present:** Pat Farley

**Alternates Absent:** Dave Cluff, Peter Vanderlaan, Tom Peters**Minutes:**

5/23/12 No corrections. David made a motion to approve, Nicole seconded. Becca abstained.  
APPROVED

5/24/12 Site Walk – No corrections. David made a motion to approve, Becca seconded. APPROVED

6/14/12 Special Meeting – No corrections. David made a motion to approve. Becca seconded.  
APPROVED

**Treasurers Report:** Steve reports that all is in order.

**Secretary's Report:** David reports that there is correspondence from FEMA stating that nothing will happen in regards to the information that was forwarded to them by the Planning Board. A letter was received from the NH Historic Resources regarding the Tamworth Inn. Tom P. sent a letter to the LRPC stating that he will not be continuing as an alternate due to health reasons. A letter was received from DES regarding wetlands impacts at Juniper Lodge. Expect an SUP to be forthcoming.

**Capital Improvements Committee:** Steve reports that the CIP is on track.

**Ordinance Review Committee:** Nothing to report

**School Board:** Nothing to report

**Economic Development and Lakes Region Planning Commission:** Pat reports that Business 101 will be held on July 24 at 6 pm, Cook Library. The speaker has requested that participants review NHBDC.org prior to the meeting. Dennis Quinn/Tam Wireless was recognized by LRPC with a Certificate of Excellence. Mark Fenton was the speaker at that meeting, and he brought up interesting points about the fact that towns should be considering the health and safety of pedestrians and bicyclists, child obesity, and diabetes. The Mt Washington Economic Development Council held a retreat, covering coordination with municipalities and cooperative health plans.

**Selectmen's Report:** Jim states that the Selectmen have received the same correspondence as the Planning Board. They met with Chocorua Valley Lumber regarding the issue of fines but there is nothing to comment on at this time.

**Conservation Commission:** Skip has nothing to report.

**New Business:** Melody Morgan – Lot Merger for 2 lots in Ski and Beach, she owns both lots and would like to merge them. Steve made a motion to approve the merger. Skip seconded. APPROVED

Ned Beecher said that the Juniper Lodge SUP is in and that the Planning Board should have a copy forthcoming.

### **Homeyer Trust – Eleanor Homeyer – Boundary Line Adjustment Map 407 Lots 80 and 81**

The hearing was opened at 7:15 pm. David gave a report on the history of this property and proposed projects that have come before the Planning Board. This application was accepted as complete on June 16, and 11 waivers were approved. The updated plans received on June 6 have 15 additional waivers to consider.

Paul King, agent, presented the project. The preliminary plan was brought forth to get a waiver on the frontage requirement. That application was not accepted. Then waivers were submitted for non applicable items. The frontage waiver was approved. This final plan includes waivers for items that are basically non applicable.

Steve asked if the scale had been changed. Paul said that the scale on the plan is for recording, the plan itself has not changed from what has been brought forth previously.

The hearing was closed at 7:29 pm.

#### **WAIVERS:**

4.d.4 – drainage – Steve made a motion to grant the waiver. Becca seconded. Skip asked where the runoff would go. Paul showed where it currently goes to, and states that a driveway culvert may have to be installed. APPROVED

6.a – 5 copies of the plan – 4 copies have been provided, the mylar will be submitted after approval. Steve made a motion to grant the waiver. Skip seconded. APPROVED

6.b.2 – alleys, etc. – None are proposed. Becca made a motion to grant the waiver. Skip seconded. David notes that this does not agree with the application. Steve asks if the agent can withdraw the request. Nicole feels that this is redundant to the application and David feels that it is contradictory. Becca withdrew her motion, and Skip withdrew his second. Paul withdrew the waiver request.

6.b.2, 6.b.7 – setbacks – we do not have these. Paul withdrew the waiver request.

6.b.3 – vicinity map – Becca made a motion to grant the waiver. Steve seconded. APPROVED

6.b.3 – vicinity map, countryside – Becca made a motion to grant the waiver. Steve seconded. APPROVED David was opposed.

6.b.3 – vicinity map – map scale – Paul used 1" = 3000 ft. Becca made a motion to grant the waiver. Steve seconded. APPROVED

6.b.4 – bearings – this waiver was already granted on the preliminary plan. Steve made a motion to grant the waiver. Jim seconded. APPROVED The waiver request was repeated because this is a different plan.

6.b.7 – area shown in square feet and acres. The earlier plan did show that, but this plan shows in acres to be consistent with NH code. Nicole made a motion to grant the waiver. Steve seconded. APPROVED

6.b.9 – streets – Becca made a motion to grant the waiver. Steve seconded. APPROVED

6.b.13 – wetlands – Becca made a motion to grant the waiver. Steve seconded. APPROVED

9.b.1 – 9.b.3 – David recommends that these waivers be withdrawn as there is no zone AE on this property. Paul interprets the wording differently.

9.b.1 – Steve made a motion to grant the waiver. Nicole seconded. APPROVED with David and Becca opposed

9.b.2 – Skip made a motion to grant the waiver. Steve seconded. APPROVED with David and Becca opposed.

9.b.3 – Skip made a motion to grant the waiver. Steve seconded. APPROVED with David and Becca opposed.

David made a motion to restrict the further lot to no further subdivision. Becca seconded. This motion was approved with Nicole, Becca and David in favor, Jim and Steve opposed, and Skip abstained. The reason is limited access.

Becca made a motion to approve the Boundary Line Adjustment with waivers and the restriction. Steve seconded. APPROVED

#### **Chocorua Valley Lumber – Wetlands SUP – Map 205 lot 002 and Map 206 lots 040 and 041**

The hearing was opened at 8:08 pm. David distributed a timeline/history of Chocorua Valley Lumber and gave a brief description.

Greg Howard, Agent, explained that this is a very large wetlands restoration plan. A 25' buffer is being required as a deed restriction. Before, current, and after maps were presented to the Board.

Conservation Commission report: Ned shared a slide show of pertinent information and facts. The CC recommends collecting the fine of \$74500. Recommendations have been made to the Planning Board regarding the SIP application. The CC recommends granting the waiver with considerations of how to apply the ordinance to this application and that a large amount of the requested permanent impacts is fill that will remain in impact areas 2 and 1

Rick Van de Poll – reports that 8.5 to 8.7 acres were impacted prior to the 1982 map. The stream that was moved did not originally go to Sanger Brook, but did enter one of the wetlands that was impacted. The groundwater recharge is lessened and flood storage is a critical consideration. He feels that Wetland 1 should be expanded from 22000' to 41000' of excavation, and that it should be dug below the water table. Also, remove the 4 to 1 slope on the bank.

The rest of the restoration is reasonable, except for the portion mentioned above.

The access road could be permitted under E.1.a

The ordinance does not address mitigation. The easement sits very close to the lumber mill. Penalties are appropriate.

Public Comment:

Chris Conrod, South Tamworth – After the fact application – Selectmen have to deal with this violation. This application can not be approved and meet all the requirements of the Ordinance.

Sam Martin – representative of Club Motor Sports – read a statement with assorted incidences of wetlands violations. She has letters, photos, and minutes from meetings attached to her statement and referenced them throughout her reading.

Ned Beecher states that the following of the Ordinance has improved with time. It would be helpful to have town monitoring of the restoration work to ensure that milestones are met. TCC would not have recommended approving this SUP if it has come in as a “before the fact” application. This should be dealt with as a violation and a fine. Section E.1.c speaks to the intents and purposes of the ordinance. Moving forward there will be improvements in the wetlands functions.

Speaking as an individual, he feels that the buffer waiver should be required for this project. He feels that the CC would recommend approving the waivers and urges the Planning Board to ask the applicant to apply for that waiver.

John Mersfelder – is the restoration plan part of the application? If it is, who is responsible for the enforcement of it? Does Planning Board have the authority to require additional restoration? In reviewing section A.1 Purposes and Intents – it is noted that industrial work there would be considered low impact.

David Gibson – where the bridge was removed, the water now rushes down toward the house

Jack Waldron – via letter – Skip read the comments aloud. Jack voiced his concerns over practical decisions and elevating the good above the merely practical.

Skip asked if any soil testing had been done. The answer was no, contamination testing has not been done.

David asked about the 81000’ included in the restoration. Greg said that the impact to the wetland buffers was not included in the application. Restoration approval is part of the state application. Temporary impact was not included. The State permit is for 100,000 square feet of impact to be retained. Approximately 80000 sq ft is restoration and stream reconstruction. The 3<sup>rd</sup> component will be the mitigation.

Becca asks if there is any activity taking place in the four impact areas. A corner of the building and storage areas are in some of the areas. Becca also asks if Area 1 is where the bank is going to be moved back, and is told that yes, that is the area.

The mill was last active in 2010. The scale buildings are on part of the area that the owner has requested retaining.

Becca asked about a portion of the map that did not show the green coloration, and was told that this was an error on the part of the agent. She also asks why the restoration plan is included with the application. The language was included so that the entire project would be understood. She would also like to know why the brooks are not included in this application. Since they are asking for a permit for retained impacts, they feel that this does not apply.

Steve asks if the TCC had all of the information that was presented here tonight when they made their recommendation, and is told that yes, they had the basics. Steve also wonders if anything that was said here tonight might have changed their recommendation, and Ned said that he does not feel that they would have made a different decision.

Greg stated that Sanger Brook would be the first part of the restoration. Wetland reconstruction and construction of stream channels on the western portion of the site would be first.

Becca is concerned that if the SUP is approved, restoration work will be tabled.

Ned reiterated that the Planning Board has the discretion because the ordinance does not address “after the fact” applications. There is confusion around the restoration impacts. Being consistent with State and Federal regulations is suggested.

Dom asked why there is a discrepancy on the wetlands. The wetlands are not there now, so information was compiled from topo, aerial maps, etc.

Rick comments about after the fact permanent impacts vs. restorations. The planning board should clearly provide the reasoning for their position. Seek the opinion of Town Council on the wording of the approval and keep a clear recorded track of the decision making process. He also suggests that the Wetlands Ordinance be rewritten.

David would like to know if a sawmill is considered a forestry use. Greg feels that it comes down to how it is defined.

Skip asks what the differences are in this plan and the State’s restoration plan. Discussion ensued regarding temporary impacts.

David has concerns with deed restrictions, and who will enforce/monitor them. Greg states that this is common standard procedure. David suggests that the draft needs a little more work and needs to show the book and page of the deed.

Discussion ensued about how to proceed from here.

Skip made a motion to continue the hearing to a work session on July 11, 2012 at 7 pm at the Town Hall. Steve seconded. APPROVED

Becca made a motion to adjourn at 10:23. Nicole seconded APPROVED

Respectfully submitted,

Melissa Donaldson

Planning Board Clerk